

## DEPARTMENT OF TRANSPORTATION

### Amendment and Compilation of Chapter 19-122 Hawaii Administrative Rules November 20, 2000

#### SUMMARY

1. The designation of subchapter 1, consisting of §§19-122-1 to 19-122-101, is added.
2. §§19-122-1 is amended.
3. §§ 19-122-17 is amended.
4. Subchapter 2, consisting of §§19-122-150 to 19-122-154, is added.
5. Subchapter 3, consisting of §§19-122-160 to 19-122-167, is added.
6. Subchapter 4, consisting of §§19-122-200 to 19-122-205, is added.
7. Subchapter 5, consisting of §§19-122-250 to 19-122-260, is added.
8. Subchapter 6, consisting of §§19-122-275 to 19-122-278, is added.
9. Subchapter 7, consisting of §19-122-300, is added.
10. Chapter 122 is compiled.

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-122  
Hawaii Administrative Rules

November 20, 2000

1. Chapter 19-122 of Title 5, Hawaii Administrative Rules, entitled "Examination of Applicants for Issuance and Renewal of Motor Vehicle Driver's Licenses and Instruction Permits" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

CHAPTER 122

EXAMINATION OF APPLICANTS FOR ISSUANCE AND RENEWAL OF  
MOTOR VEHICLE DRIVER'S LICENSES AND INSTRUCTION PERMITS

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Historical note. This chapter is based substantially upon The Rules and Regulations Governing the Examination of Applicants for Issuance and Renewal of Motor Vehicle Drivers' Licenses and Instruction Permits. (Eff 3/28/77; R 8/26/82; am and comp. 6/15/91; am and comp. DEC - 2 2000 )

SUBCHAPTER 1

GENERAL PROVISIONS

§19-122-1 **Issuance of Hawaii driver's license.** (a) No Hawaii driver's license shall be issued unless the applicant:

- (13) Presents a valid instruction permit for the appropriate category, passes a practical test or tests for the appropriate category of motor vehicle, [and] surrenders all driver's licenses in the applicant's possession, and if under the age of 18, meets all the requirements in section 19-122-152; or
- (14) Being licensed by another jurisdiction in the category of motor vehicle applied for, provides that jurisdiction's driver clearance dated within six months of the date of application if applying for a category 1, 2, 3 or 4 Hawaii driver's license, passes the examinations required under section 19-122-4 and surrenders all driver's licenses in the applicant's possession in exchange for a Hawaii license. A driver's license clearance from another jurisdiction may be obtained by contacting the National Law Enforcement Telecommunications System (NLETS).

(b) The examiner of drivers may require that further physical and mental examinations be conducted upon the applicant as the examiner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(c) Before issuing a commercial driver's license, the examiner of drivers shall obtain the applicant's driving record information through the Commercial Driver License Information System the National Driver Register and the last state which issued the applicant a commercial driver's license. [Eff 8/26/82; am and comp 6/15/91; am and comp DEC - 2 2000 ]; (Auth: HRS §286-108, SLH 1990, Act 45, SLH 1999, Act 175, §3, 49 CFR §383.73) (Imp: HRS §286-108, SLH 1990, Act 45, SLH 1999, Act 175, §3, 49 CFR §383.73)

§19-122-2 **Instruction permit required.** All applicants shall obtain an instruction permit if they are not licensed by the State of Hawaii or any other jurisdiction for the category of motor vehicle for which application is made.

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All applicants possessing a valid driver's license from another jurisdiction which is comparable to a category 4 Hawaii driver's license and desiring to obtain a Hawaii category 4 license shall obtain an instruction permit for category 4. The applicant may also at the same time be issued a temporary driving permit for a category 1, 2, or 3 driver's license when the applicant's valid out-of-state category 4 driver's license covers the appropriate category 1, 2, or 3 license and meets all of the appropriate requirements set forth in section 19-122-4. As used in this chapter, categories of motor vehicles shall be as set forth in section 286-102, Hawaii Revised Statutes. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-110, SLH 1989, Act 320, §3) (Imp: HRS §286-110, SLH 1989, Act 320, §3)

§19-122-3 **Issuance of instruction permit.** No instruction permit shall be issued to an applicant unless the applicant:

- (1) Passes the vision test described in section 19-122-8.
- (2) Passes a written, oral, or automated test pursuant to sections 19-122-10 and 19-122-11, determined by the examiner of drivers to be appropriate for the category of motor vehicle for which the applicant seeks to be licensed.
- (3) Presents proof of name and date of birth.
- (4) Presents social security card.
- (5) Presents a current head front view color photograph, about 2" x 2" if applying for a commercial driver's instruction permit.
- (6) Meets the qualification standards of 49 CFR, Part 391, Subparts B and E if the applicant expects to obtain a category 4 or commercial driver's instruction permit. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-110, SLH 1990, Act 342, §20, 49 CFR §383.73) (Imp: HRS §286-111, SLH 1990, Act 342, §20, 49 CFR §383.73)

§19-122-4 **Temporary driving permit.** (a) A temporary driving permit, when issued, shall be an interim license and shall entitle its holder to all privileges and responsibilities of possessing a Hawaii driver's license. A temporary driving permit shall be issued only to:

- (1) A holder of a driver's instruction permit who passes the practical test or tests, surrenders all other valid driver's licenses and receives the out-of-state driver clearance dated within six months of the date of application if previously licensed by another state, unless the out-of-state driver clearance is obtained through NLETS.

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- (2) An out-of-state licensee who possesses a valid license comparable to a category 1, 2, or 3 Hawaii driver's license who:
  - (A) Passes the vision test described in section 19-122-8;
  - (B) Passes the knowledge test described in section 19-122-10 for the appropriate category.
  - (C) Presents proof of name and date of birth;
  - (D) Presents social security card;
  - (E) Passes a practical test or tests for the appropriate category of motor vehicle if the licensee:
    - (i) Is under eighteen years of age; or
    - (ii) Is at least eighteen years of age and required by the examiner of drivers to demonstrate driving ability; and
  - (F) Presents all out-of-state licenses, one of which shall cover the category for which the applicant is applying; and
  - (G) Provides the out-of-state driver clearance, dated within six months of the date of application, unless this information is obtained via NLETS.
- (3) An out-of-state licensee who possesses a valid commercial driver license who:
  - (A) Passes the vision test-described in section 19-122-8;
  - (B) Passes the-hazardous materials test described in section 19-122-10 to retain a hazardous materials endorsement;
  - (C) Presents proof of name and date of birth;
  - (D) Presents social security card;
  - (E) Is at least twenty-one years of age; and
  - (F) Presents all-out-of-state licenses, one of which shall cover the category for which the applicant is applying; and

(b) An out-of-state licensee who possesses a valid license comparable to a Hawaii category 4 license and who desires a category 4 Hawaii driver's license shall comply with section 19-122-2.

(c) Before issuing a commercial driver's permit, the examiner of drivers shall obtain the applicant's driving record information through the Commercial Driver License Information System, the National Driver Register and the last state which issued the applicant a commercial driver's license. [Eff 8/26/82; am 12/1/85; am and comp 6/15/91]; (Auth: HRS §286-108, SLH 1990, Act 45, §10, 49 CFR §383.73) (Imp: HRS §286-108, SLH 1990, Act 45, §10, 49 CFR §383.73)

§19-122-5 **Renewal of driver's license.** (a) No driver's license shall be renewed until the applicant has passed the vision test described in section 19-122-8 and the written, oral, or automated test on rules of the road as required under section 19-122-11. Applicants possessing a commercial driver license with a hazardous materials endorsement must pass the hazardous materials test described in section 19-122-10 every four years.

The examiner of drivers may require further physical examinations and practical tests to be conducted upon the applicant as the examiner finds necessary to determine the applicant's fitness to continue to operate a motor vehicle safely upon the highways.

(b) Before renewing a commercial driver license, the examiner of drivers shall obtain the applicant's driving record information through the Commercial Driver License Information System, the National Driver Register and the last state which issued the applicant a commercial driver's license. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-107, SLH 1990, Act 342, §9, 49 CFR §383.73) (Imp: HRS §286-107, SLH 1990, Act 342, §9, 49 CFR §383.73)

§19-122-6 **Reexamination after failure.** If an applicant fails the knowledge or practical test, there shall be a mandatory waiting period of at least one week before the applicant shall be eligible for retesting. (Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-108) (Imp: HRS §286- 108)

§19-122-7 **Vision test; procedures.** The vision test shall be given to all applicants for a permit, a new license, a duplicate license, or a license renewal and shall be conducted as follows:

- (1) The examiner shall allow each applicant ten minutes after entering the office before conducting the vision test to permit the applicant's eyes to adjust to light conditions.
- (2) The examiner shall carefully explain the test and the responses desired.
- (3) An applicant who wears glasses shall take the test both with and without glasses. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-108) (Imp: HRS §286-108)

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**§19-122-8 Vision test; standards.** Each applicant shall meet the minimum standards of the vision test to qualify for a permit or license. Where the tests indicate a restriction is appropriate, the permit or license shall be subject to the appropriate restrictions established under section 19-122-9. All restrictions shall be noted on the driver's license. The minimum standards for applicants of a category 1, 2 or 3 driver's license shall be:

- (1) Visual acuity. The applicant shall have 20/40 or better vision in one eye, corrected or uncorrected;
- (2) Color identification or the ability to identify the distinctive traffic control colors. The applicant shall have the ability to distinguish between red, amber, and green in any traffic signal application;
- (3) Depth perception or the ability to judge distances. The applicant shall have the ability to answer without hesitation questions concerning the relative positions of signs or other objects in illustrations; and
- (4) Peripheral vision or the horizontal vision field. The applicant shall have the ability to see a field of at least one hundred forty degrees of horizontal vision, or a total field of seventy degrees if only one eye has vision. Applicants for a category 4 and commercial driver license shall meet the vision standards of 49 CFR Part 391, Subpart E. [Eff 8/26/82; am 12/1/85; am and comp 6/15/91]; (Auth: HRS §286-108, SLH 1990, Act 342, §7, 49 CFR §383.71) (Imp: HRS §286-108, SLH 1990, Act 342, §7, 49 CFR §383.71)

**§19-122-9 Vision test; restrictions for categories 1, 2 and 3.** (a) When the applicant has monocular visual acuity or when the applicant is able to see with only one eye:

- (1) If without corrective lenses the applicant has at least 20/40 vision, the applicant shall be restricted to operating vehicles with an outside rear view mirror installed on the side corresponding to the eye with no vision which provides a clear view to the side and rear of the vehicle.
- (2) If with corrective lenses the applicant has at least 20/40 vision, the applicant shall be restricted to operating vehicles with an outside rear view mirror installed on the side corresponding to the eye with no vision, which provides a clear view to the side and rear of the vehicle, and a corrective lens shall be worn while driving.

(b) When the applicant has coordinate use of both eyes in binocular vision (applicant able to see with both eyes):

- (1) If without corrective lenses the applicant has at least 20/40 vision in each eye, there shall be no restriction.
- (2) If with corrective lenses the applicant has at least 20/40 vision in each eye, corrective lenses shall be worn while driving.
- (3) If without corrective lenses the applicant has at least 20/40 vision in one eye but less than 20/40 vision in the other eye, the applicant shall be restricted to operating a vehicle with an outside rear view mirror installed on the side corresponding to the applicant's weaker vision, which provides a clear view to the side and rear of the vehicle.
- (4) If with corrective lenses the applicant has at least 20/40 vision in one eye, but less than 20/40 vision in the other eye, the applicant shall be restricted to operating a vehicle only when corrective lenses are worn. The applicant shall also be restricted to operating a vehicle with an outside mirror installed on the side corresponding to the applicant's weaker vision, which provides a clear view to the side and rear of the vehicle. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-103) (Imp: HRS §286-103)

§19-122-10 Knowledge tests for original license. (a) Applicants for an original Hawaii driver's license categories 1, 2, 3 and 4 shall take an appropriate examination in the English language on rules of the road, traffic code provisions, safe driving practices, and the meaning of traffic signs. At least three different sets of examinations, each consisting of not less than twenty-five general questions, shall be available for use by the examiner of drivers. Any one of the examination sets may be used at the discretion of the examiner. Each applicant shall be given one examination. If an applicant is illiterate, the applicant shall be examined orally or by other means deemed appropriate by the director. If the applicant has difficulty understanding the English language, the applicant may be examined in the language chosen from those available.

(b) Each applicant applying for a category 1 or 2 license (motorcycle or motor scooter) shall take a test as described in subsection (a) of this section and an examination in the English language consisting of not less than ten questions pertaining to the operation of a motorcycle or motor scooter. If the applicant is illiterate, an oral or other appropriate test shall be given. If the applicant has difficulty understanding the English language, the applicant may be examined in the language chosen from those available.

(c) Applicants who possess a valid Hawaii driver's license and make application for a higher category of driver's license shall not be required to take the examination described in subsection (a) of this section.

(d) Applicants for a commercial driver license shall take a general knowledge test in the English language about good driving practices and vehicle inspections to operate commercial vehicles safely. At least two sets of examinations, each consisting of 50 test items, shall be available for use by the examiner of drivers. Any one of the examinations may be used at the discretion of the examiner. Each applicant shall be given one examination. If an applicant is illiterate, the applicant shall be examined orally or by other appropriate means. If the applicant has difficulty understanding the English language, the applicant may be examined in the language chosen from those available; the state director of transportation must approve all foreign language test translations before they are used.

(e) Commercial drivers shall take special knowledge tests in the English language to drive certain vehicles and to transport certain cargo. Two forms of each specialized test shall be made available for use by the examiner of drivers. Except for the hazardous materials endorsement test, if the applicant has difficulty understanding the English language, the applicant may be examined orally or in another language as county resources permit, provided approval of the foreign language test translation has been obtained from the state director of transportation. The specialized tests are:

- (1) Air brakes test. This test measures knowledge required to drive vehicles equipped with air brakes. Each test shall consist of twenty-five questions.
- (2) Combination vehicles test. This test measures knowledge required to drive combination vehicles such as tractor-trailer rigs. It must be passed by every applicant who wants a category A commercial driver license. Each test shall consist of twenty questions.
- (3) Passenger transport test. This test measures knowledge required by bus drivers. It must be passed to receive a passenger endorsement (P) to a commercial driver license. Each test shall consist of twenty questions.
- (4) Doubles/triples test. This test measures knowledge required to drive trucks with two or three cargo trailers. It must be passed to receive a doubles/triples endorsement (T) to a category A commercial driver license. Each test shall consist of twenty questions.

- (5) Tank vehicle test. This test measures knowledge required to drive tanker trucks that haul liquids or gases in bulk. It must be passed to receive a tank vehicle endorsement (N) to a commercial driver license. Each test shall consist of twenty questions.
- (6) Hazardous materials test. This tests basic knowledge of regulations governing the hauling of hazardous materials and hazardous waste. It must be passed to receive a hazardous materials endorsement (H) to a commercial driver license. Each test shall consist of thirty questions. An endorsement to carry hazardous materials in a tank vehicle is indicated by a (X).

(f) The applicant shall be considered to have passed a knowledge test if at least eighty per cent of the questions have been answered correctly. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-108, SLH 1990, Act 342, §7, 49 CFR §§383.71, 383.111) (Imp: HRS §286-108, SLH 1990, Act 342, §7, 49 CFR §§383.71, 383.111)

§19-122-11 Knowledge tests for renewal license. (a) Applicants for a renewal license shall take an appropriate examination in the English language on rules of the road, traffic code provisions, safe driving practices, and the meaning of traffic signs. The examination shall consist of not less than twenty general questions. The applicant shall be considered to have passed any of the knowledge test or tests if at least seventy per cent of the questions have been answered correctly. If the applicant is 25 years or older, the applicant shall be examined every four years. All other applicants shall be examined every two years.

(b) If the applicant wants to retain a hazardous materials endorsement, every four years, the applicant must take an additional special knowledge examination in the English language on how to recognize, handle, and transport hazardous materials. The examination shall consist of not less than thirty questions. The applicant shall be considered to have passed the knowledge test if at least eighty per cent of the questions have been answered correctly.

(c) Except for the hazardous materials endorsement test, which shall be taken in the English language, if an applicant is illiterate, the applicant shall be examined orally or by other appropriate means. If the applicant has difficulty understanding the English language, the applicant may be examined in the language chosen from those available. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-107, SLH 1990, Act 342 §7, 49 CFR §383.71) (Imp: HRS §286-107, SLH 1990, Act 342, §7, 49 CFR §383.71)

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§19-122-12 Practical tests. (a) Practical tests shall be given as required under sections 19-122-1, 19-122-4, and 19-122-5. Practical tests shall be as set forth in sections 19-122-13 to 19-122-16. [Eff 8/26/82; am 12/1/85; comp 6/15/91]; (Auth: HRS §286-108) (Imp: HRS §286-108)

**§19-122-13 Off-street skill tests for motor scooters and motorcycles.**

(a) When required by the examiner of drivers to take off-street skill tests, an applicant for a category one license (motor scooters) or a category two license (motorcycles and motor scooters) shall:

- (1) Provide for the test, a motor vehicle in serviceable condition of the category for which the applicant desires to be licensed; and
- (2) Obtain a passing score of zero to ten points after completing seven exercises administered in accordance with Section 5.0 of the Alternate MOST (Motorcycle operator Skill Test) as it existed on March 1, 1990, a copy of which is located at the end of this chapter. (Eff 8/26/82; am 12/1/85; am and comp 6/15/91]; (Auth: HRS §286-108) (Imp: HRS §286-108)

**§19-122-14 On-street skill test for category 3 light motor vehicles. (a)**

When required by the examiner of drivers to take an on-street test, an applicant for a category 3 license (cars, buses designed to transport 15 or fewer occupants, and trucks ten thousand pounds gross vehicle weight rating or less) shall:

- (1) Provide for the test a motor vehicle in serviceable condition of the category for which the applicant desires to be licensed. The vehicle may be equipped with manual or automatic shift transmission.
- (2) Start the vehicle; drive through a business district; park parallel to a curb in a space provided; make proper right and left turns; exhibit skill in the use of the clutch or transmission when moving on a slight grade from a standing start whether proceeding forward or reversing; operate the vehicle in reverse; observe, without hesitation, traffic signs and signals; drive through heavy traffic; exhibit proper braking procedures when coming to a stop and when following or driving through heavy traffic; and exhibit proper signaling of intention to turn or stop. If possible, the course shall include at least two stop signs and two traffic signals; a straight course to demonstrate the applicant's knowledge of signals; at least three right turns and three left turns incorporating

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all turning situations that the driver might encounter; and at least

two unmarked intersections which may be of a type where the applicant's view of cross traffic is partially obscured. The route shall be planned to allow the examiner to rate the applicant's ability to read and interpret traffic signs and roadway marking; alertness and resistance to distractions; ability to size up difficult traffic situations and make intelligent decisions; and ability to apply knowledge of county traffic ordinances, state laws, and safe driving practices.

(b) An applicant shall be considered to have passed the on-street test if the applicant satisfactorily demonstrates the following:

- (1) Starting. The engine is started without difficulty and the vehicle is placed in motion smoothly.
- (2) Stopping. The vehicle is brought to a smooth and comfortable stop.
- (3) Steering and turning. The vehicle is kept on a steady course with no swaying in traffic. Left and right turns are executed in compliance with traffic regulations.
- (4) Reversing. The vehicle is maintained on a steady course. There is exhibited a satisfactory sense of direction while backing.
- (5) Observance of signs and signals. There is a strict adherence to traffic signs and signals, speed restrictions, and pedestrian right-of-way. Arm signal or mechanical signals signifying an intention to turn is given. Arm signal signifying an intention to stop is given.
- (6) Clutch synchronization and acceleration and deceleration. In a motor vehicle with a manual transmission, the application and release of the clutch is satisfactorily smooth and gradual when starting forward, reversing, or coming to a stop on level ground or an upgrade. In all motor vehicles, acceleration and deceleration is gradual and steady.
- (7) Brake reaction. When the brake is applied at a speed of twenty miles per hour, the distance between the point where the brakes are applied and the point where the vehicle comes to a complete stop is not more than twenty-five feet. Reaction time is not more than three-fourths of a second. Reaction time distance is twenty-two feet. The total stopping distance is forty-seven feet.
- (8) Parking. Parking is accomplished in a business district, both parallel to the right and to the left of a curbing within the space provided. There is a smooth unfaltering execution of the parking procedure, the applicant demonstrating reasonably good distance

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and timing judgment. [Eff 8/26/82; am and comp 6/15/91]; (Auth: HRS §286-108, SLH 1989, Act 320, §4) (Imp: HRS §286-108,

SLH 1989, Act 320, §4)

§19-122-15 REPEALED. [R 6/15/91].

§19-122-16 REPEALED. [R 6/15/91].

**§19-122-17 Category 4 and commercial driver license skill tests.** (a) The skill tests include the vehicle inspection test, the basic control skills test, and the road test. The applicant shall provide a motor vehicle in the category the applicant desires a license. The applicant shall take the:

- (1) Vehicle inspection test by conducting a thorough inspection of the vehicle, using the Vehicle Inspection Memory Aid from the Driver's Manual as shown in figure "17a" titled "Vehicle Inspection Memory Aids" located at the end of this chapter [if necessary].
- (2) Basic control skills test to demonstrate basic skills essential for safe control of the vehicle. Four of the following six exercises shall be taken; however, the director may approve test modifications for vehicles with more than one articulation.
  - (A) Right Turn (figure 17b titled "The Right Turn" located at the end of this chapter). The applicant shall drive forward and make a right turn around a cone or standard, bringing the rear wheels of the vehicle as close to the cone as possible without touching it.
  - (B) Straight Line Backing (figure 17c titled "Forward Stop/Straight Line Back" located at the end of this chapter). First, the applicant shall drive through the alley and stop as close as possible to the stop line at the end. Second, the applicant shall back down and out of the alley, without touching the boundaries of the alley.
  - (C) Alley Dock (figure 17d titled "Alley Dock" located at the end of this chapter). The applicant shall drive by the alley so the entrance is on the applicant's left. The applicant shall back into the alley, without touching the boundaries of the alley, and stop within two feet of the rear of the alley.

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- (D) Sight-side of Conventional Parallel Park (figure 17e titled "Parallel Park Adjustable" located at the end of this chapter). The applicant shall park in a space that is on the applicant's left or right as close as possible to rear and the "curb" of the space without crossing the lines or hitting the cones.
  - (E) Backward Serpentine (figure 17f titled "Backward Serpentine" located at the end of this chapter). The applicant shall start with the vehicle lined up near the first cone so that the applicant can drive forward along the right side of cones. The applicant shall drive forward and stop when the rear of the vehicle is past the third cone. The applicant then shall back up so the vehicle winds around the three cones, passing the third cone so the cone is on the left, the second cone so the cone is on the right, and the first cone so the cone is on the left. After threading back through the cones, the vehicle ends up in the same position it started from.
- (3) Road test to demonstrate ability to drive safely in most on-the-road situations. The predetermined route should contain the following maneuvers: four left and four right turns; a straight section of urban business street; intersections; a railroad crossing (or simulation); one curve; a section of expressway or two-lane rural or semi-rural road; a downgrade; a simulated downgrade; an upgrade; a downgrade for stopping; an upgrade for stopping; and one underpass, low clearance, or a bridge.

(b) The scoring form for the Pretrip Inspection, Basic Control Skills test and Road test is shown in Appendix A.

(c) The applicant shall be considered to have passed each test if the applicant received passing scores as shown in Appendix B.

(d) The applicant shall pass the skills test in a vehicle equipped with air brakes to obtain an unrestricted license.

(e) Commercial drivers shall pass the skills test in a passenger vehicle to obtain a passenger endorsement applicable to a specific vehicle group. [Eff 6/15/91; am and comp **DEC - 2 2000** ]; (Auth: HRS SLH 1990, Act 342 , §7, 49 CFR §§383.71, 383.113) (Imp: HRS SLH 1990, Act 342, §7, 49 CFR §§383.71, 383.113)

§19-122-18

§19-122-18 REPEALED. [R 6/15/91].

§19-122-19 **Discontinuance of test.** Any skill test, on-street, or off-street test described in this chapter shall be discontinued immediately by the examiner if any of the following occurs:

- (1) The applicant fails any skill or general commercial driver license knowledge test required by this chapter.
- (2) The motor vehicle being used is involved in an accident.
- (3) The applicant drives dangerously or recklessly.
- (4) The applicant commits a serious traffic violation.
- (5) The applicant refuses or fails to follow the instructions of the examiner.
- (6) It becomes apparent that the motor vehicle being used is in an unsafe condition. [Eff 8/26/82; am, comp and ren §9-122-19 6/15/91](Auth: HRS §286-108) (Imp: HRS §286-108)

§19-122-20 **Substitute for commercial driver license skill tests.** The commercial driver license skill tests are waived if the applicant:

- (1) Certifies that during the two-year period prior to application, the applicant:
  - (A) Has not had more than one license;
  - (B) Has not had any license suspended, revoked, or canceled;
  - (C) Has not had a conviction in any type of motor vehicle for the disqualification offenses contained in 49 CFR 383.51;
  - (D) Has not had more than one conviction in any type of motor vehicle for a serious traffic violation; and
  - (E) Has not had a conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault; and
- (2) Provides evidence and certifies that:
  - (A) The applicant is regularly employed in a job requiring operation of a commercial motor vehicle; and that either:

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- (i) The applicant has previously taken and passed skill tests given by a state with a classified licensing and testing system, and that the tests were in a representative vehicle for that applicant's driver's license classification; or
- (ii) The applicant has operated, for at least two years immediately preceding application for a commercial driver license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate. (Eff and comp 6/15/91]; (Auth: HRS SLH 1989, Act 320, §2, 49 CFR §383.77) (Imp: HRS SLH 1989, Act 320, §2, 49 CFR §383.77)

**§19-122-21 Commercial driver license nonrefundable fees.** (a) The examiner of drivers shall charge a nonrefundable flat \$30 application fee to applicants for a permit, a permit renewal, a new license, or a license renewal.

(b) The nonrefundable fee for a duplicate license, a license change or an endorsement change is \$15.

(c) Other nonrefundable costs include:

- (1) General knowledge test - \$15;
- (2) Special knowledge test - \$5 each test;
- (3) Skill test charges as follows:
  - (A) Vehicle inspection test - \$10;
  - (B) Basic control skills test - \$20;
  - (C) Road test - \$20
- (4) Oral test - \$15 additional fee
- (5) Reinstatement fee - \$20 [Eff and comp 6/15/91]; (Auth: HRS SLH 1990, Act 342, §20) (Imp: HRS SLH 1990, Act 342, §20)

**§19-122-22 Renewal of driver licenses by residents temporarily out-of-state.** (a) All applicants who apply for renewal of their Hawaii driver's license who are Hawaii residents temporarily out-of-state, shall comply with all applicable requirements of section 286-107,

Hawaii Revised Statutes.

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(b) Applicants shall comply with those portions of this chapter deemed appropriate by the examiner of drivers.

(c) Applicants shall submit a request for renewal not more than six months prior to and not more than ninety days after their driver's license expiration date, and shall complete, execute, and return all forms and examinations provided by the examiner with the prescribed fees.

(d) No Hawaii driver's license shall be renewed if an applicant does not achieve a passing score on the renewal examination; or if the licensee has any outstanding traffic violations or has been convicted of a violation or violations of traffic laws or ordinances of this state or of a foreign jurisdiction which are comparable to a violation or violations of a state law or ordinance which have an accumulated value of six or more points during the twelve month period immediately preceding the date of application as provided in section 286-128, Hawaii Revised Statutes. [Eff 8/26/82; am, comp and ren §19-122-23 6/15/91] (Auth: HRS §286-107) (Imp: HRS §286-107, §286-109)

§19-122-23 to 19-122-99 (Reserved)

§19-122-100 **Severability.** If any section or part of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of this chapter. [Eff 8/26/82; comp and ren §19-122-100 6/15/91] (Auth: HRS §286-108) (Imp: HRS §286-108)

§19-122-101 **Repeal.** All rules and regulations relating to and governing the examination of applicants for issuance and renewal of motor vehicle drivers' licenses and instruction permits or the re-issuance of motor vehicle operator's licenses and the invalidation of operator's license in effect prior to the effective date of this chapter are repealed. [Eff 8/26/82; comp and ren §19-122-101 6/15/91](Auth: HRS §286-108) (Imp: HRS §286-108)

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## SUBCHAPTER 2

### STATEWIDE DRIVER EDUCATION PROGRAM REQUIREMENTS

§19-122-150 **Purpose.** This subchapter establishes policies and procedures to establish a statewide driver education and behind-the-wheel driver training program for persons under the age of 18 applying for a Class 1, 2 or 3 license as required by Act 175 SLH 1999. [Eff and comp DEC - 2 2000 ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-151 **Definitions.** As used in subchapters 2 through 7, unless a different meaning clearly appears from the context:

"Behind-the-wheel" means driving instruction in a vehicle by a certified instructor.

"Behind-the-wheel student completion certificate" means the form given to the student who has successfully completed all requirements for a behind-the-wheel driving course or a certified driving simulator curriculum.

"Commercial school" means any for-profit driving school or instructor.

"County" means the county agency having the responsibility for administering the driver licensing program.

"Curriculum" means the course of instruction certified by the department for use in driver education, simulator and behind-the-wheel driving courses.

"Department" means the state department of transportation.

"Director" means the state director of transportation.

"Driver education" means certified formal classroom instruction, on-line or Internet course on how to drive a motor vehicle, traffic laws, and effective driving behaviors.

"Driver education instructor certificate" means the card issued to an instructor who has been certified by the department to conduct driver education or behind-the-wheel driving courses or both.

"Driver education student completion certificate" means the document given to the student who has successfully completed all requirements for a driver education course through a certified classroom course, or on-line or Internet course.

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"Driver training car" means a vehicle that is used to teach behind-the-wheel driving.

"Dual Control" means a vehicle that is equipped with driving controls that can be controlled by both the driver and the front seat passenger.

"Instructor" means an individual who has been issued a driver education instructor certificate by the department to administer driver education or behind-the-wheel driving courses or both in accordance with the requirements of this chapter.

"On-line course" or "Internet course" means an interactive driver education program available on a computer through the Internet at approved locations and consists of a certified driver education curriculum.

"Private School" means any non-public school.

"Public School" means any school administered by the state department of education.

"Simulator" means a fully interactive, high performance driving simulation system consisting of realistic driver controls with active force feedback steering, a minimum of 150 degrees forward field of view capable of a minimum 60 Hz update rate, high fidelity vehicle dynamics, fully articulated scenario vehicles, and driving environments developed to meet accepted highway design and sign standards. [Eff and comp

DEC - 2 2000 ](Auth: HRS §286-108; SLH 1999, Act 175)(Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-152 Procedure to obtain driver's license for persons under eighteen years of age. All persons under the age of eighteen, wishing to receive a Class 1, 2 or 3 driver's license, must in addition to the requirements of chapter 286, Hawaii Revised Statutes, and chapter 19-122, subchapter 1, Hawaii Administrative Rules, present a driver education student completion certificate and a behind-the-wheel student completion certificate for the class of license sought, to the examiner of drivers. [Eff and comp DEC - 2 2000 ](Auth: HRS §286-108; SLH 1999, Act 175)(Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-153 Fees. (a) Students will be responsible for paying all fees for driver education, simulator, and behind-the-wheel driving courses. The maximum fee charged by an instructor for each student shall not exceed:

- (1) \$250 per person for driver's education classroom instruction.
- (2) \$100 per person for an on-line or Internet course.
- (3) \$50 per hour for behind-the-wheel driving lessons.
- (4) \$250 per person for a simulator course.

(b) Fees shall be reviewed biannually by the department and shall be adjusted when the consumer price index for transportation in the state of Hawaii rises more than two per cent in the previous two years. [Eff and comp **DEC - 2 2000** ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-154 Third party examiners. *(Reserved)*

### SUBCHAPTER 3

#### REQUIREMENTS FOR DRIVER EDUCATION INSTRUCTORS

§19-122-160 **General provisions.** (a) No person shall be certified as a driver education or behind-the-wheel driving instructor unless the applicant satisfies the following conditions:

- (1) Possesses a valid Hawaii driver's license with the classification and endorsements required for operation of the class and type of motor vehicle used in driver education;
- (2) Has successfully completed a training course certified, or subsequently certified, by the department in subchapter 6. Instructors who have been certified by the department of education within five years prior to the effective date of the original version of the instant rules section, will be considered to have successfully completed a department certified course;
- (3) Subject to section 19-122-163(h), applicant has not had more than one moving traffic violation within one year prior to obtaining certification; not more than two moving traffic violations within three years prior to obtaining certification; and not more than three moving traffic violations within five years prior to obtaining certification;

- (4) Has no driving under the influence of alcohol or drugs conviction within five years prior to obtaining certification;
- (5) Has no driver's license suspension, revocation, cancellation or disqualification within three years prior to obtaining certification;
- (6) Is at least 21 years of age and possesses the equivalent of a high school diploma;
- (7) Has had a valid driver's license recognized by the State of Hawaii for at least five years;
- (8) Meets the requirements of subchapter 4, provided that "applicants" and "employees" and "persons who have been employed continuously by the department of education on a salary basis prior to July 1, 1990" as defined in chapter 8-7, Hawaii Administrative Rules, may meet this requirement by complying with chapter 8-7. At the expiration of the chapter 8-7 certification, "applicants" and "employees" as defined in Chapter 8-7, must recertify according to subchapter 4; and
- (9) Has effective communication skills; is capable of assessing and observing appropriate student behavior; is capable of engaging students in meaningful driver education activities; and models positive driving behaviors.

(b) Application for instructor certification shall be made on a form supplied by the department which shall require the following information and attachments:

- (1) Full name, residence and business address(es), telephone and fax number(s), and email address (if any);
- (2) A copy of original Social Security card;
- (3) A certified copy of the applicant's birth certificate;
- (4) A copy of the person's:
  - (A) Driver's license
  - (B) High school diploma or equivalent
  - (C) Driver education instructor certificate;
- (5) An original traffic abstract;
- (6) Proof of insurance in the amounts described in sections 19-122-163(g) and 19-122-166;
- (7) A certified or sealed copy of a Hawaii criminal history record check showing convictions, and proof of application for a FBI Criminal History Record Check as defined in subchapter 4;

- (8) A statement agreeing to indemnify, defend and hold harmless the department and the county from liability resulting from the instructor's teaching of driver's education or behind-the-wheel driving courses;
- (9) Employment history for the ten years prior to the date of the application, with names, addresses and telephone numbers of current and former employers that are listed;
- (10) State general excise tax number and tax clearance;
- (11) Two 2" x 2" photos;
- (12) A sworn statement indicating:
  - (A) Whether the person ever had a teaching certificate or other professional license revoked or not renewed;
  - (B) Whether the person within the past ten years was suspended, fired, asked to resign from employment, or separated from military service under conditions other than honorable;
  - (C) Whether the person had been convicted of a crime, other than a minor traffic offense involving a fine of \$50 or less;
  - (D) Whether the person had been diagnosed as having a mental or emotional condition which may affect the person's ability to responsibly manage, supervise, control and interact with children;
  - (E) A detailed explanation for each of the above when applicable.
  - (F) Names, addresses and phone numbers of at least five persons who can attest to the good character of the applicant. [Eff and comp DEC - 2 2000 ]  
Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-161 **Certification courses for instructors.** All applicants for certification as instructors must complete a course in driver education and behind-the-wheel teaching methods that has been certified, or subsequently certified, by the department:

- (1) Courses that are offered by the University of Hawaii to certify driver education instructors for the department of education are pre-approved to meet this requirement.

- (2) The curricula of other instructor training courses shall be submitted to the department for review and certification by a task force established by the department and certification by the director, as provided in subchapter 6. [Eff and comp DEC - 2 2000] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-162 Duties and responsibilities of driver education instructors and other providers.** The duties and responsibilities of driver education instructors and other providers shall be as follows:

- (1) Conduct instruction in accordance with the requirements of this chapter;
- (2) Maintain records of all students taught for five years. Each record shall include:
  - (A) Student's complete name, address and birth date;
  - (B) Student's permit or driver license number with the jurisdiction that issued the license, if applicable;
  - (C) Dates the student took and completed the course and attendance record;
  - (D) A copy of the written contract, if applicable, with any person being taught, including amounts charged for the course(s); and
  - (E) A notarized statement from a parent or guardian received by the driver education instructor or provided prior to the issuance of the behind-the-wheel student completion certificate, stating that the applicant has completed forty hours of day-time driving and ten hours of night-time driving supervised by a licensed driver over the age of eighteen. Applicants for a Class 1 or 2 license are exempt from the ten hours of night-time supervised driving.
- (3) Issue a driver education student completion certificate or behind-the-wheel student completion certificate or both when all requirements of this chapter have been successfully completed;
- (4) Be in full compliance with all department rules; and

- (5) Cooperate fully with the department in the investigation of any complaint relating to their certification as an instructor under this chapter. Failure to do so will result in the termination of the driver education instructor certificate as required in section 19-122-165.
- (b) The duties and responsibilities of driver education instructors shall also be as follows:
  - (1) Participate in professional development courses, including driver education courses, workshops, seminars;
  - (2) Notify the department of any changes that would disqualify them from meeting the requirements of section 19-122-160. Failure to do so shall result in termination of the driver education instructor certificate as required in section 19-122-165; and
  - (3) Utilize a vehicle for behind-the-wheel training that meets the requirements of section 19-122-166. [Eff and comp DEC - 2 2000 ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-163 Driver education instructor certificate. (a) A driver education instructor certificate will be issued authorizing the instructor to conduct driver education or behind-the-wheel driving courses or both.

(b) The driver education instructor certificate will be granted upon satisfactory completion of a training course certified, or subsequently certified, under Section 19-122-161 and when all requirements in section 19-122-160, have been met;

(c) The driver education instructor certificate shall be non-transferable.

(d) Subject to section 19-122-163(h), the driver education instructor certificate is renewable annually for three years with the submittal of a traffic abstract that records no more than one moving traffic violation within the past year, not more than two moving traffic violations within the past three years; and not more than three moving violations within the past five years; a state tax clearance; and proof of general liability and vehicle insurance.

(e) Every fifth year, the certificate will be renewed:

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- (1) Upon completion of all requirements in section 19-122-160; and
  - (2) Upon completion of a professional development course approved by the department.
- (f) It is the responsibility of the certificate holder to initiate the renewal process.
- (g) The instructor shall provide the department a certificate of liability insurance covering commercial general liability in the sum of one million dollars, in a form and with provisions satisfactory to the department, listing the State of Hawaii and the counties as additional insureds.
- (h) If a certified instructor receives:
- (1) One moving traffic violation in one year, the instructor shall be sent a warning letter by the department;
  - (2) If the instructor receives two moving traffic violations within three years, the instructor's certificate shall be suspended for three months;
  - (3) If the instructor receives three moving traffic violations within five years, the instructor's certificate shall be suspended for six months;
  - (4) If the instructor receives four moving traffic violations within ten years, the instructor's certificate shall be terminated with no right of appeal. [Eff and comp  
DEC - 2 2000 ] Auth: HRS §286-108; SLH  
1999, Act 175)(Imp: HRS §286-108; SLH 1999, Act  
175)

§19-122-164 **Display of driver education instructor certificate.** All instructors shall display their driver education instructor certificate to their students in the vehicle during the time of instruction. [Eff and comp  
DEC - 2 2000] (Auth: HRS §286-108; SLH 1999, Act  
175)(Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-165 **Denial or termination of driver education instructor certificate.** (a) The department may deny any application for a driver education instructor certificate upon any of the following grounds:

- (1) Failure to comply with or satisfy any of the requirements of this chapter;

(2) Falsification of any information provided to the department.  
(b) Any instructor may voluntarily terminate a driver education instructor certificate by returning the certificate to the department with a signed letter of explanation.

(c) The department may revoke, suspend, cancel or terminate the driver education instructor certificate and require the return of the certificate upon any of the following grounds:

- (1) Failure to comply with or satisfy any of the requirements of this chapter;
- (2) Falsification of any records or information required by this chapter or otherwise relating to driver education;
- (3) Commission of any act which endangers the student;
- (4) Driver license suspension, revocation, cancellation or disqualifications;
- (5) Inappropriate behavior directed toward a student by the instructor;
- (6) Mental or physical incapacity;
- (7) Unsatisfactory criminal history record check; or
- (8) Moving traffic violations as described in section 19-122-163(h).

(d) The department may allow the instructor to cure any deficiency, if curable, within thirty days of receipt of notice by the department.

(e) Any applicant whose application has been denied by the department or whose driver education instructor certificate has been suspended, revoked, canceled or terminated and who has not cured the deficiency may within ten calendar days after receiving the notice of denial, suspension, revocation, cancellation or termination appeal the department's action by submitting to the department a written request for an administrative review of the decision by the department. The request shall state the reasons why the application should not be denied, suspended, revoked or terminated. Upon such request, the department shall respond in writing with an administrative review decision within thirty calendar days. Failure to request a review within ten calendar days after receiving the notice of denial, suspension, revocation or termination of the application or driver education instructor certificate shall be deemed a waiver of a right to appeal.

(f) Any person aggrieved by the administrative review decision of the department may, within ten calendar days of the date of the decision, submit a written appeal of that decision to the department. The department may hold hearings on a timely appeal in accordance with chapter 91, Hawaii Revised Statutes. [Eff and comp DEC - 2 2000] (Auth: HRS §286-108; SLH 1999, Act 175)(Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-166 Driver education vehicle requirements.** All vehicles used in behind-the-wheel driving courses must meet the following minimum standards:

- (1) The vehicle must have a current motor vehicle registration and safety check.
- (2) The vehicle must be in good working condition.
- (3) The vehicle must be equipped with dual brakes and instructor's eye check mirrors.
- (4) The vehicle must display a "Student Driver" sign in a prominent location on the vehicle.
- (5) The vehicle must be covered by insurance in a form and with provisions satisfactory to the department, including as a minimum:
  - (A) Bodily Injury--\$100,000 per person, \$300,000 per occurrence; and
  - (B) Property Damage--\$20,000 per occurrence.The insurance policy must name the State of Hawaii and the counties as additional insureds unless the insurance coverage required by this section is included in the commercial general liability policy required by subsection 19-122-163(g).
- (6) All persons in the vehicle must use occupant protection at all times. [Eff and comp DEC - 2 2000] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-167 Driver education seal.** The department will issue each certified instructor a driver education seal which they shall use to place a seal upon the driver education student completion certificate or the behind-the-wheel student completion certificate. The director may charge instructors a refundable deposit of up to \$100 for the seal. The deposit, if any, shall be returned when the seal is returned to the department.

[Eff and comp **DEC - 2 2000** ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

#### SUBCHAPTER 4

#### DRIVER EDUCATION INSTRUCTOR APPLICANTS; CRIMINAL HISTORY RECORD; EMPLOYMENT HISTORY; BACKGROUND CHECK

§19-122-200 **Definitions.** As used in this subchapter:

"Affected individual" means the person to which a Federal Bureau of Investigation (FBI) identification record pertains.

"Applicant" means a person seeking certification as a certified driver education instructor according to the requirements of subchapter 3.

"Arrest records" means criminal history information obtained from sources other than the FBI pertaining to arrests for alleged criminal behavior.

"Background information" means information pertaining to a person's behavioral history that may indicate a significant risk to the health, safety, or well-being of children.

"Children" means students enrolled in driver education or behind-the-wheel driving courses certified by the department in subchapter 5.

"Clean criminal history record" means that an individual's criminal history record check shows no indication of criminal behavior.

"Criminal conviction record" means criminal history information obtained from sources other than the FBI pertaining to an individual's conviction of a crime.

"Criminal history" means information about a person's actual or alleged criminal offense(s).

"Criminal history record" means evidence of a person's actual or alleged criminal offense(s) (arrests, convictions and supporting information) on file with law enforcement agencies, courts, the Hawaii criminal justice data center or in the national criminal history record files.

"Criminal history record check" means an examination or search for evidence of an individual's criminal history by means of:

- (1) A search for the individual's fingerprints in the national criminal history record files and, if found, an analysis and any other information available pertaining thereto; and
- (2) A criminal history record check conducted through the files maintained by the Hawaii criminal justice data center.

"Department" means the department of transportation.

"Driver education instructor certificate" means the card issued to an instructor who has completed all requirements and been certified by the department to conduct driver education or behind-the-wheel driving courses or both as defined in subchapter 5.

"Employment history" means information relating to a person's past work experiences.

"FBI identification record" means a listing of certain information taken from fingerprint cards submitted to and retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprint cards submitted in connection with Federal employment, naturalization, or military service. The FBI identification record is often referred to as a "rap sheet". The identification record includes the name of the agency or institution which submitted the fingerprint card to the FBI. If the fingerprint card concerns a criminal offense, the identification record includes the date arrested or received, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint cards, disposition reports and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Identification Division is not the source of the arrest data reflected on an identification record.

"FBI rules to correct the FBI identification record" means rules and regulations published in the Federal Register by the FBI pertaining to the procedure for the affected individual to obtain, review, and request change, correction or updating of any alleged deficiency to the FBI identification record.

"Fingerprinting" means the recording of a person's fingerprints using conventionally accepted equipment and procedures to satisfy the quality, readability, and specifications of the FBI's criminal history record checking requirements. [Eff and comp DEC - 2 2000 ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-201 **General rule.** (a) Applicants who work in close proximity to children shall be of reputable and responsible character.

(b) The department may refuse to issue a driver education instructor certificate to, may terminate the driver education instructor certificate of, or may revoke the driver education instructor certificate of any applicant who has a criminal history record, employment history, or background involving violence, alcohol or drug abuse, sex offense, offense involving children or any other circumstance which indicates that

the applicant may pose a risk to the health, safety, or well-being of children. The refusal, termination, or revocation action may be based on:

- (1) Conviction of a crime which indicates that the person poses a risk to the health, safety or well-being of children (the type of criminal offense, when it occurred, and evidence of rehabilitation may be considered in determining whether the criminal history record indicates a risk to children);
- (2) Other information or evidence which reflect upon the character and fitness of the person which indicates that the person poses a risk to children;
- (3) Failure to accurately and fully complete and submit certification application documents; or
- (4) Failure to declare, concealing, or falsifying criminal history, employment history, or background information to the department. [Eff and comp DEC - 2 2000 ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-202 **Applicant duty to provide information.** (a) Except as otherwise specified or exempted from criminal history record check requirements, any person who teaches driver's education or seeks certification as a driver education instructor with the department in a position which places that person in close proximity to children is required to provide to the department:

- (1) An accurately and fully completed certification application with all requested information and documents including employment references; and
- (2) A written consent for the department to obtain information from current and past employers and references.

(b) Applicants shall cooperate fully and make every reasonable effort to provide information and comply with fingerprinting and other related requirements when so notified and instructed by the department or its representative agents. The department may refuse to certify, or may terminate the driver education instructor certificate or both of any person who willfully fails to cooperate or fails to provide the requested information. [Eff and comp DEC - 2 2000 ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

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**§19-122-203 Fingerprinting requirement.** The department shall require all applicants to undergo fingerprinting to conduct criminal history record checks as may be accommodated by the Hawaii criminal justice data center. Applicants must pay all charges for fingerprinting and for the criminal history record. Applicants shall cooperate fully and make every reasonable effort to comply with fingerprinting and other requirements when so notified and instructed by the department or its representative agents. The department may refuse to certify and may terminate the driver education instructor certificate of any person who willfully fails to comply or cooperate fully with fingerprinting requirements. [Eff and comp **DEC - 2 2000** ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-204 Use of criminal history records results.** (a) Information obtained from criminal history record checks shall be used exclusively by the department for the purpose of determining whether or not a person is suitable for working in close proximity to children. Use and release of such information obtained from the FBI shall be subject to federal laws and regulations.

(b) The department may disclose information that an affected individual's criminal history record check shows a "clean criminal history record". Federal law (28 U.S.C. §534) otherwise prohibits the disclosure of criminal history information obtained from the FBI. An FBI identification record and information contained therein, however, may be disclosed to the affected individual when explaining decisions or contemplated decisions resulting in refusal to certify an applicant for a driver education instructor certificate or termination of a driver education instructor certificate. Information from an FBI identification record may also be disclosed to a legal representative of the applicant with the consent of the affected individual and may also be displayed, with the consent of the affected individual, at an administrative hearing to resolve issues concerning the record's content and use. If desired, the affected individual may also request the correction of FBI criminal history information by following FBI rules to correct the FBI identification record.

(c) Criminal history information obtained from sources other than the FBI may be categorized into criminal convictions and arrest records. Criminal convictions are considered public records and may be disclosed to the general public. Arrest records are private and shall not be released

by the department except in the process of verifying the disposition of the arrests, or as otherwise required by law. Information regarding a person's arrest records for offenses that may pose a risk to the health, safety or well-being of children may be used as the basis to delay driver education instructor certificate decisions or for the suspension of a driver education instructor certificate pending further inquiry and investigation. Arrest records shall not be used as the sole basis to refuse a driver education instructor certificate. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-205 **Current department of education certified driver education instructors.** Individuals at the time of the effective date of the original version of the instant rule section, who hold driver education certificates issued by the department of education within the previous five years, are subject to the requirements of this subchapter, if required in subchapter 3, upon the expiration of their current certificate and upon applying for a new certificate as required in subchapter 3. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

## SUBCHAPTER 5

### CERTIFICATION STANDARDS FOR DRIVER EDUCATION STUDENT CURRICULUM

§19-122-250 **Driver education curriculum task force.** A task force appointed by the director shall establish minimum requirements for driver education student curricula and recommend to the director the certification of driver education, simulator and behind-the-wheel curricula. The director may certify such curricula. The task force shall be composed of a representative of the department of education, a public school driving instructor, a commercial driving school instructor, a county examiner of drivers and the department. All curricula shall be reviewed by the department every five years to assure that they are relevant. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

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§19-122-251 Administration of program. No driver education student curriculum shall be certified unless:

- (1) Curriculum is available and in use during all training phases.
- (2) Lesson plans are clearly written with student centered activities.
- (3) Curriculum is administered during a minimum of:
  - (A) Thirty hours of classroom instruction; or
  - (B) An on-line or Internet course which contains a minimum of six hours of course content.
- (4) Behind-the-wheel curriculum is administered during a minimum of:
  - (A) Six hours of behind-the-wheel instruction; or
  - (B) A simulator course and two hours of behind-the-wheel driving instruction.
- (5) The program cannot be completed in less than six weeks.
- (6) A maximum of three students are present during any behind-the-wheel session.
  - (A) If there is one student, there is a maximum of one and one-half hours of behind the wheel driving during an in-vehicle session.
  - (B) If there are two or three students, there is a maximum of one and one half hours behind the wheel driving time per student during an in-vehicle session.
- (7) All modules are introduced during classroom sessions and reinforced during all training phases;
- (8) All modules consist of concepts that are structured and presented in simple to complex building blocks.
- (9) A student cannot progress to the next module of instruction until the student reaches a certain level of proficiency.
- (10) The program coordinates in-vehicle activities with parent or tutor sessions.
- (7) Appropriate testing shall occur throughout all courses to test the knowledge of the student. [Eff and comp DEC - 2 2000]  
(Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-252 **General provisions.** To obtain certification by the department, all driver education classroom, on-line and Internet course curricula shall contain the following instructional elements:

- (1) The curriculum prepares students for achievements in social wellness, visual skills for awareness, information-processing and decision-making, risk prevention management, vehicle control, vehicle correction skills and performance excellence;
- (2) The development and habitualization of positive behavioral patterns is emphasized;
- (3) All driving skills are introduced and practiced through hands-on classroom training to insure in-car success;
- (4) Students also learn driving skills often referred to as advanced, such as off-road recovery and skid prevention, detection and correction;
- (5) Students learn how to evaluate driving situations and make low-risk decisions;
- (6) Risk versus gain relationships associated with driving are defined and explored;
- (7) Risk perception, prevention and management is presented as a function of time and space control;
- (8) Activities are utilized to promote effective student involvement in risk management and problem solving;
- (9) Students learn how behavioral, sociological and psychological factors influence driving;
- (10) The physiological effects of alcohol and other drugs, including nicotine and caffeine, on driver performance are explored;
- (11) The effects of fatigue and other physical impairments on driver performance are studied;
- (12) Conflict resolution skills are presented in relation to on-road situations;
- (13) Activities are conducted to demonstrate the problems associated with driver inattentiveness;
- (14) Activities are conducted to help students recognize the stages of anger and how to manage them;
- (15) Various forms of technology and media are used to reinforce driver behavioral patterns;

- (16) Students learn how to positively influence their peers and how to avoid negative peer influence;  
Students learn the value of occupant protection and vehicle readiness;  
Classroom activities demonstrate the importance of a student's responsibility both as a citizen and a driver;  
Students are able to understand the basic laws and rules of the road, Hawaii's traffic laws, and their liability as drivers;  
Students participate in activities to learn the limitations of motor vehicles and of drivers; and  
All driver education course curricula must contain, as a minimum, instruction on driving responsibilities; signs, signals and roadway markings; basic car control; making safe driving decisions; controlling the vehicle; basic car maneuvers; negotiating intersections; sharing the roadway; driving in different environments and situations; driving in urban areas, rural areas and high speed highways or freeways; adverse conditions; emergencies; being a responsible driver; effects of driver condition on risk taking; alcohol and other drugs; and defensive driving strategies. [Eff and comp DEC - 2 2000] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-253 On-line or Internet driver education student curriculum. The department may certify on-line or Internet course curricula to qualify students for completion of a driver education student completion certificate. The curricula shall meet all requirements as established in this chapter, and in addition, include a technical description of the course, including, but not limited to, provider services and support, course design, and course security. A provider of on-line or Internet driver education courses shall put in place the appropriate procedures, measures, and controls to validate student identity during performance of the course work. [Eff and comp DEC - 2 2000] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-254 Behind-the-wheel student curriculum. (a) To obtain certification by the department, all behind-the-wheel student curricula shall contain, as a minimum, instruction in the following skills:

- (1) Introduction to driving--pre-start, starting the engine, putting the vehicle in motion, stopping, turns;
- (2) Basic maneuvers including lane control, lateral maneuver--move into traffic, backing straight, backing left and right, lane changing;
- (3) Residential driving--three-point turnabout, U-turns, scanning skills, blind spots;
- (4) Rural driving--following distance, passing;
- (5) City driving--angle parking, perpendicular parking, parallel parking, curbside parking, uphill and downhill parking; and
- (6) Freeway and highway driving--merging, exiting, lane changing, following distance.

(b) If the student is using a simulator to partially meet the requirement for a behind-the-wheel student completion certificate, the behind-the-wheel driving curriculum must include items (3) and (5) in this section.

(c) The curriculum shall also contain, as a minimum, the following instructional elements:

- (1) The development of driver behavioral patterns is reinforced;
- (2) Legal and social aspects of driving are incorporated into sessions;
- (3) Route plans are structured and used to effectively experience behavioral patterns and to demonstrate various driving situations and circumstances;
- (4) Structured route plans include freeway or high-speed highway driving;
- (5) Vehicle prevention, detection and correction training is experienced using technology, such as a simulator, if available;
- (6) The student is sufficiently prepared to demonstrate the correct modeling of driving behaviors for the teacher;
- (7) Advanced driver training concepts are reviewed during regularly scheduled lessons. [Eff and comp DEC - 2 2000] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-255

§19-122-255 **Motorcycle behind-the-wheel student curriculum.** To obtain certification by the department, all motorcycle behind-the-wheel curricula shall meet the requirements of §431:10G-104, Hawaii Revised Statutes. [Eff and comp **DEC - 2 2000** ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-256 **Driving simulator curriculum.** To obtain certification by the department, all driving simulator curricula shall contain the following instructional elements:

- (1) Content is consistent with the requirements of chapter 19-122-254, as practicable;
- (2) Content is presented with an emphasis on behavioral patterns rather than on task completion;
- (3) The simulator reinforces previous learning and continues to prepare student for in-vehicle training;
- (4) The simulator acts as a tool to monitor and measure the effectiveness of student learning in the classroom to insure student vehicle readiness;
- (5) Simulators meet all requirements of subchapter 7 and are in good working condition;
- (6) The curriculum must be integrated with driver education classroom curricula;
- (7) The provider of the simulator curriculum shall communicate to the parents or guardians, how to integrate simulator instruction with practice behind-the-wheel driving; and
- (8) The provider of the simulator curriculum shall provide the student with a simulator completion certificate that the student shall give to the behind-the-wheel instructor. This certificate shall fulfill four hours of the required six hours of behind-the-wheel instruction.

(b) The department may certify driver simulator curricula to qualify students to satisfy four hours of the behind-the-wheel requirement for a student completion certificate. [Eff and comp **DEC - 2 2000** ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-257 Monitoring of driver education and behind-the-wheel program effectiveness.** The department has the right to monitor all driver education, behind-the-wheel and simulator courses and certified instructors at any time to assure that the certified curriculum is being taught. Anyone found to not be in compliance with the requirements of this chapter shall have their certificate terminated in accordance with section 19-122-165. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-258 Driver education facilities.** All facilities in which driver education courses are taught shall be clean, safe, appropriate, and maintain a comfortable climate. Driver education facilities must adhere to county zoning laws. Classroom courses may not be taught in a residence, unless the classroom is physically separated from the living area. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-259 Driver education instructional materials.** All driver education instructional materials shall be curriculum appropriate and available to all students. Textbooks and videos shall be effective and relevant resources used to enhance the curriculum. A variety of materials shall be utilized and may include computer generated slides, videos and transparencies. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

**§19-122-260 Parent/guardian involvement.** Communication with the parents or guardians shall be evident in all driver education curricula.

- (1) Instructional materials shall be provided to the parent/guardian describing the driver education course and how their involvement will help their student develop good driving habits;
- (2) Parents or guardians shall be provided information on how to remain calm, give commands, keep the car in control, and provide positive feedback when conducting behind-the-wheel practice with their teens; and

- (3) Parents or guardians shall be provided in-car support materials defining what to focus on and when to practice. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

## SUBCHAPTER 6

### CERTIFICATION STANDARDS FOR INSTRUCTOR CURRICULUM

§19-122-275 **Driver education instructor curriculum task force.** A task force appointed by the director of transportation shall establish minimum requirements for driver education instructor curricula and recommend certification to the director. The director may certify such curricula. The task force shall be composed of a representative of the department of education, a public school driving instructor, a commercial driving school instructor, a county examiner of drivers and the department. All curricula shall be reviewed by the department every five years to assure that they are relevant. [Eff and comp **DEC - 2 2000**] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-276 **Objective of instructor curriculum.** (a) All driver education instructor classroom curricula shall contain content in classroom methods and principles in teaching driver education to prepare an instructor to carry out the driver education program as described in this chapter. The content shall prepare the instructor to:

- (1) List the purposes of, and convey the concepts of traffic and safety education to others;
- (2) Demonstrate the use of various educational methods, theories and concepts in teaching the classroom phase of a high school driver education course;
- (3) Demonstrate knowledge of the many and varied aspects of the driving task;

- (4) Develop units of instruction, based upon the state regulations for driver education, which are in psychologically sound sequence, and meet student needs in the classroom;
- (5) Develop instructional materials and activities which facilitate the attainment of the performance sought in the classroom;
- (6) Define and describe the nature of the driving task in the highway transportation system;
- (7) Solve administrative problems after an analysis of such problems are presented in the classroom;
- (8) Select, design and evaluate devices which measure the abilities of classroom and laboratory driver education teachers;
- (9) Establish and maintain a viable program organization including enrollment, scheduling, records and reports;
- (10) Manage traffic and safety education facilities and appropriate budget allocations for model programs;
- (11) Identify means by which traffic and safety education programs may positively influence public opinion concerning traffic and safety education;
- (12) Plan a complete course of instruction with outlines, lesson plans, and evaluation instruments; and
- (13) All curricula should contain specific information on the Hawaii Motor Vehicle Code, concepts of accident causation and countermeasures, traffic safety education classroom instruction techniques, and administration of a driver education program.

(b) All behind-the-wheel driving instructor curricula shall prepare instructors to teach the laboratory phases of traffic safety education, including the aims, objectives, methods, materials and techniques of teaching traffic simulation, and in-car instruction. The content shall prepare the instructor to:

- (1) Define and explain in depth the philosophy and rationale of the various laboratory concepts presented in the course;
- (2) Verbalize the in-car sequence and identify the objectives, rationale and management forces that influence lesson preparation;

- (3) Develop lesson plans using behavioral objectives and teach effectively from these lesson plans in all phases of the course; and
- (4) The curriculum should specifically cover the aims and purposes of behind-the-wheel instruction in driver education, including development of driver competencies, controlled and sequential nature of instruction, entry level proficiencies, perception skills, human functions, driving strategies, understanding limitations, dual control concepts, basic control tasks, traffic flow tasks, teaching methods and techniques, lesson plan development, instructional aids, selection of instructional experience, planning and implementing instruction, techniques for traffic simulation and multiple vehicle concepts, role of the instructor, student and teacher interaction and teaching activities. [Eff and comp DEC - 2 2000 ] Auth: HRS §286-108; SLH 1999, Act 175) Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-277. **Monitoring of driver education instructor curriculum instruction.** The department has the right to monitor all driver education instructor courses at any time to assure that the certified curriculum is being taught. Anyone found to not be in compliance with the requirements of this chapter shall have their certificate terminated in accordance with section 19-122, 165. [Eff and comp DEC - 2 2000 ] Auth: HRS §286-108; SLH 1999, Act 175) Imp: HRS §286-108; SLH 1999, Act 175)

§19-122-278. **Train the trainer course.** The director shall certify the curricula for a train the trainer course for driver education instructors. The curricula must meet national standards set by the American Driver and Traffic Safety Education Association (ADTSEA). [Eff and comp DEC - 2 2000 ] (Auth: HRS §286-108; SLH 1999, Act 175) (Imp: HRS §286-108; SLH 1999, Act 175)

## SUBCHAPTER 7

### DRIVING SIMULATOR REQUIREMENTS

§19-122-300 **General Provisions.** Providers of driving simulator education courses must be able to demonstrate a capability to deliver, maintain, and administer a statewide high performance simulation training system for driver education:

- (1) A provider of simulation driver education courses shall put in place the appropriate procedures, measures, and controls to validate student identity during performance of the course work;
- (2) A provider of simulation driver education courses shall provide availability and access to the simulation device such that students are able to complete the course in a reasonable amount of time once they have registered;
- (3) A driving simulation device used to satisfy training requirements of a simulation course shall conform to the following characteristics:
  - (A) The simulator shall be fully interactive as defined by taking in operator control inputs, processing them with a high-fidelity dynamics model, and displaying the resulting vehicle state;
  - (B) The system shall be capable of maintaining a 60 Hz visual update rate in a fully populated, dynamic driving scenario;
  - (C) The simulator shall provide active steering force feedback;
  - (D) The simulator shall present a minimum of 150 degrees forward field-of-view (FOV);
  - (E) The simulator shall include fully articulated scenario vehicles with independent dynamics and tire articulation; and
  - (F) The simulator shall support real time driving performance monitoring, presentation of feedback, and storage of training performance data.; and
  - (G) The simulator shall simulate Hawaii driving conditions and environment." [Eff and comp

DEC - 2 2000 ] (Auth: HRS §286-108; SLH 1999, Act 175)(Imp: HRS §286-108; SLH 1999, Act 175)

FIGURE 17a  
Vehicle Inspection Memory Guide  
(Key Locations to Inspect)

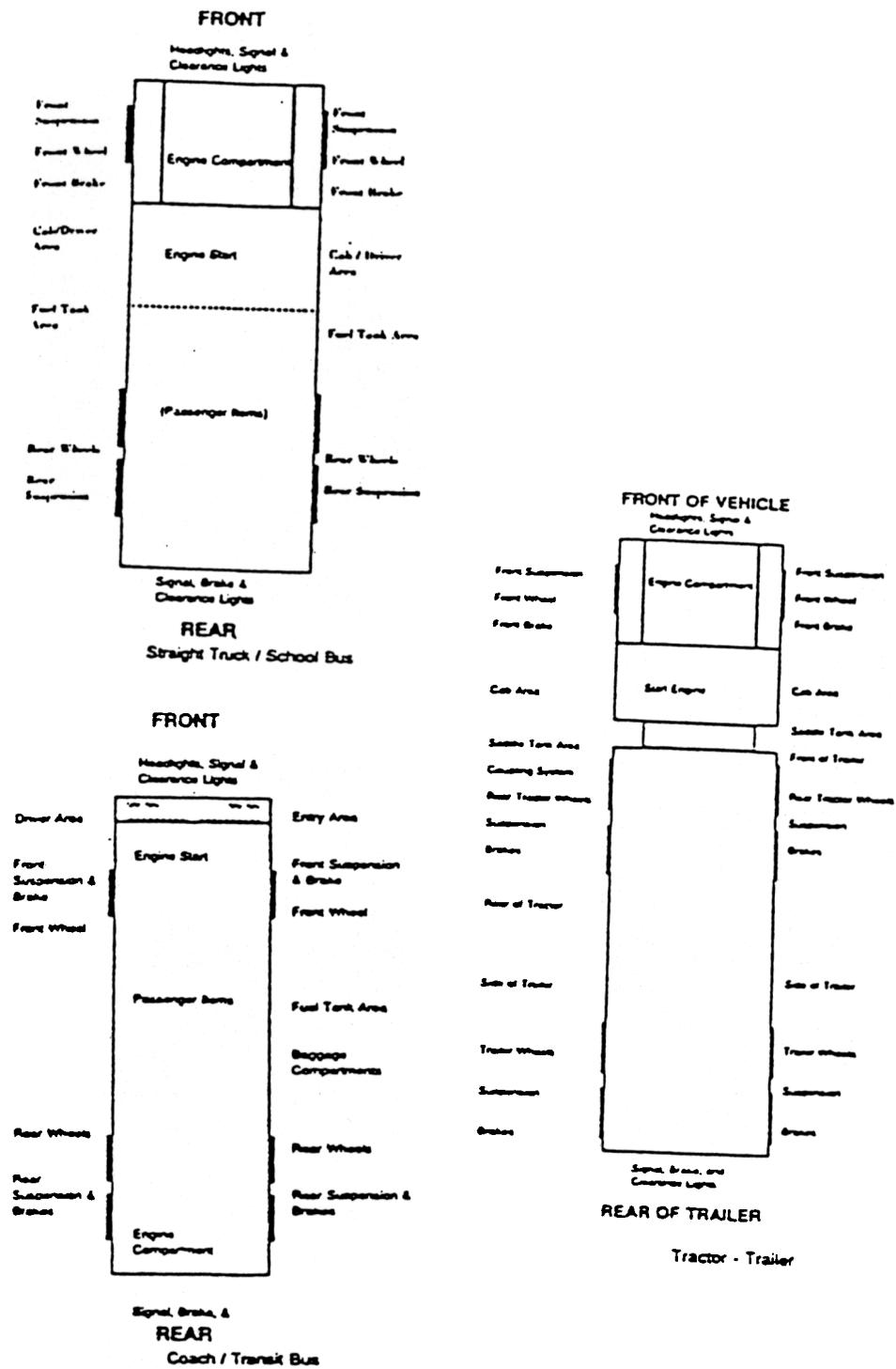


FIGURE 17b  
The Right Turn

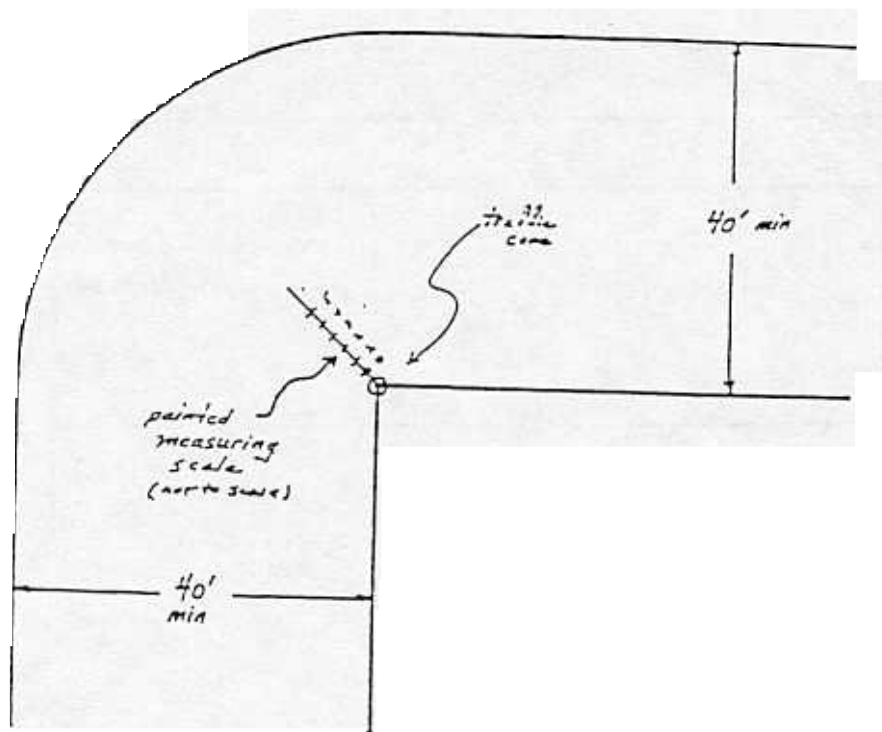


FIGURE 17c  
Forward Stop/Straight Line Back

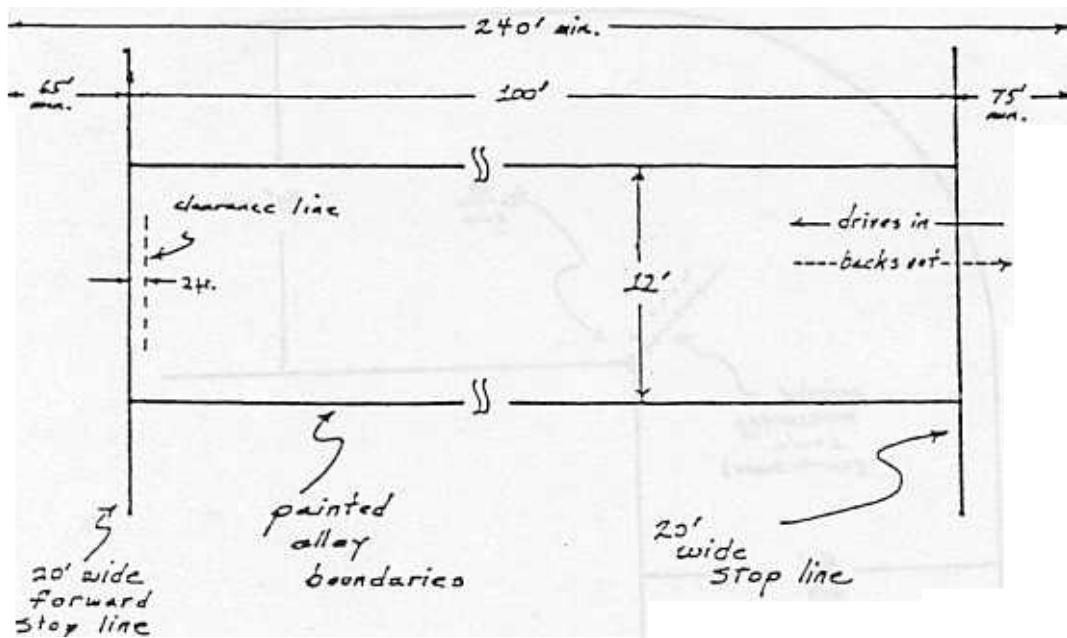


FIGURE 17d  
Alley Dock

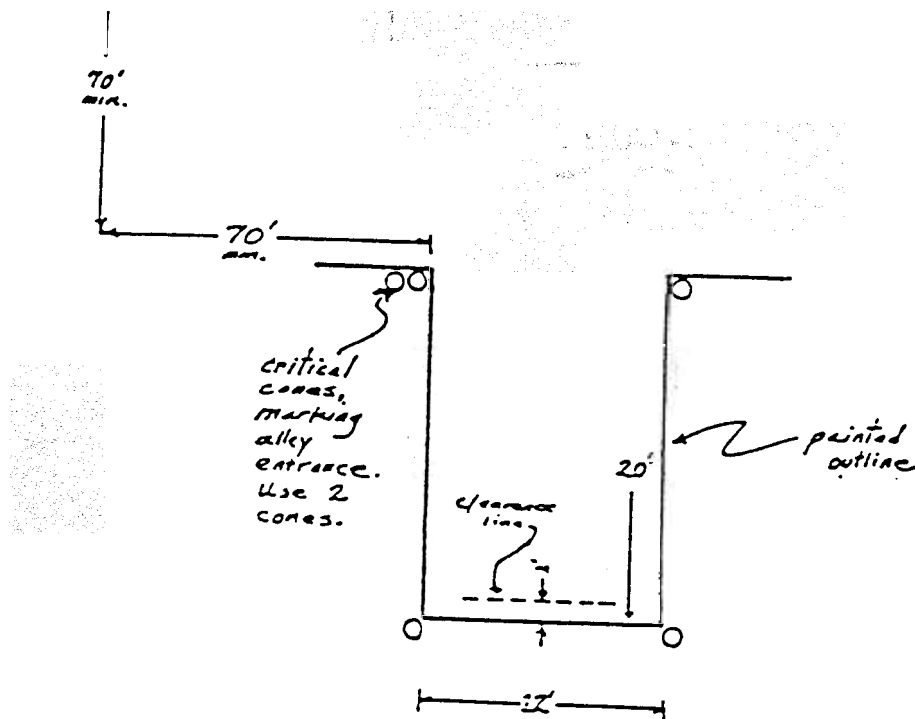


FIGURE 17e  
Parallel Park Adjustable

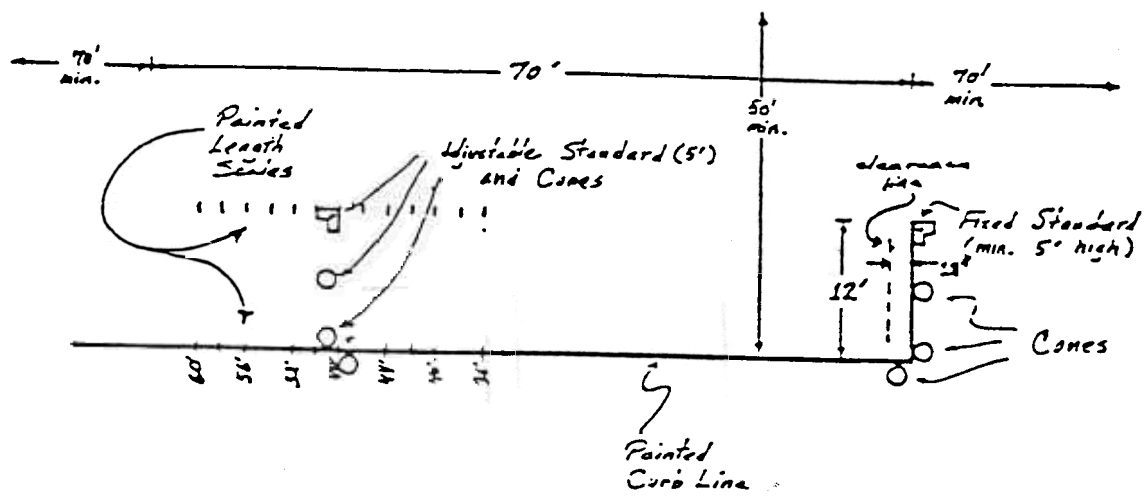
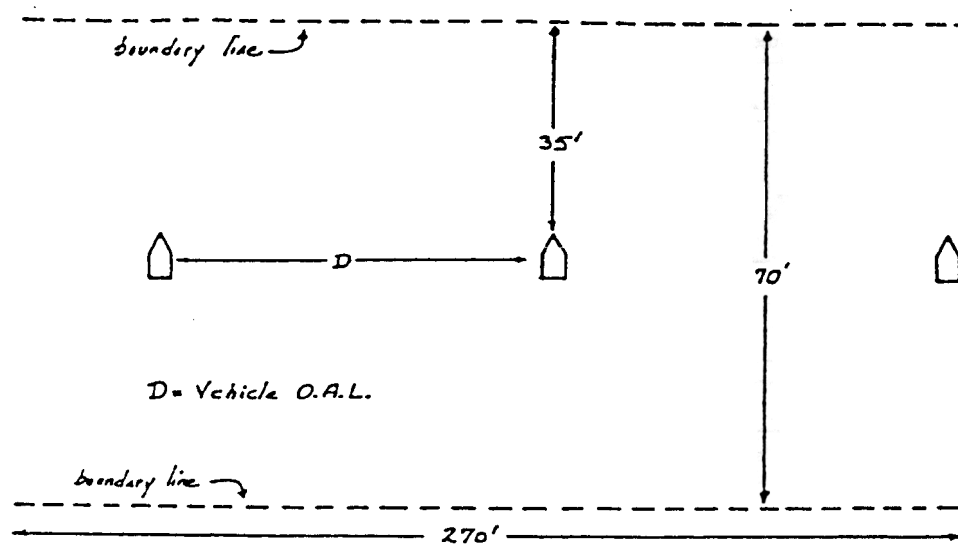


FIGURE 17f  
Backward Serpentine



APPENDIX A - page 1  
**VEHICLE INSPECTION AND BASIC CONTROL SKILLS TESTS**  
**All Vehicles**

Engine Compartment	Engine Start		Optional Equipment
oil level ..... 0		parking brake ..... 0	
coolant level .... 0	clutch/gearshift ... 0	mirrors, windshield .. 0	Vehicle axles .. 2 3
power steering fluid 0	air buzzer sounds ... 0	wipers ..... 0	Trailer axles .. 1 2
water pump ..... 0	oil pressure builds .. 0	lighting indicators .. 0	Air brakes ... Yes No
alternator ..... 0	ammeter/voltmeter .. 0	horn(s) ..... 0	
air compressor ... 0	air brake check .... 0	heater/defroster .... 0	
any leaks ..... 0	steering play ..... 0	safety/emergency equip. 0	

Truck/School Bus/Tractor	Trailer	Coach/Transit Bus
<b>Front Suspension</b> spring ..... 0 spring mount .. 0 shock absorber 0	<b>Front of Vehicle</b> lights ..... 0 steering box .... 0 steering linkage .. 0	<b>Front of Vehicle</b> lights ..... 0
<b>Front Wheel</b> rims ..... 0 hub oil seal ... 0 tires ..... 0 lug nuts ..... 0	<b>Under Vehicle -</b> <b>Rear of Tractor</b> drive shaft ..... 0 exhaust system ... 0 frame ..... 0	<b>Passenger Items</b> passenger entry ... 0 emergency exits ... 0 seating ..... 0
<b>Front Brake</b> slack adjustor . 0 chamber ..... 0 hoses ..... 0 drum ..... 0	<b>School Bus Only</b> passenger entry .. 0 emergency exits .. 0 seating ..... 0	<b>Driver/Entry Area</b> window/door mirror 0
<b>Driver/Fuel Area</b> door, mirror .. 0 fuel tank ..... 0 leaks ..... 0	<b>Tractor Only</b> air/elec lines .... 0 catwalk ..... 0	<b>Front Brakes/Suspension</b> air leak ..... 0
<b>Rear Wheels</b> F R rims ..... 0 0 tires ..... 0 0 axle seals ..... 0 0 lug nuts ..... 0 0 spacers ..... 0 0	<b>Coupling System</b> mounting bolts ... 0 safety latch ..... 0 platform ..... 0 release arm ..... 0 kingpin/apron ... 0 <b>Sliding 5th Wheel</b> locking pins ..... 0 lights, reflectors .. 0 splash guards ... 0	<b>Front Wheel</b> rims ..... 0 hub oil seal ..... 0 tires ..... 0 lug nuts ..... 0
<b>Rear Suspension</b> springs ..... 0 0 spring mounts .. 0 0 torsion, shocks . 0 0	<b>Rear of Vehicle</b> lights, reflectors .. 0 signal/brake lights 0	<b>Fuel Tank Area</b> fuel tank ..... 0
<b>Rear Brakes</b> slack adjustor . 0 0 chamber ..... 0 0 hoses ..... 0 0 drum ..... 0 0		<b>Baggage Compartments</b> emergency equip ... 0 doors secure ..... 0
		<b>Rear Wheels</b> F R rims ..... 0 0 tires ..... 0 0 axle seals ..... 0 0 lug nuts ..... 0 0 spacers ..... 0
		<b>Brakes/Suspension</b> air leaks ..... 0 0
		<b>Rear of Vehicle</b> lights, reflectors ... 0 signal/brake lights . 0

### Basic Control Skills

<b>Right Turn</b> Pullups 0 1 2 3 4 5 Encroachments 0 1 2 3 4 5 Clearance 0 1 2 3 4 5	<b>Straight Line Backing</b> Pullups 0 1 2 3 4 5 Encroachments 0 1 2 3 4 5 Stop Line (2 ft.) 0 1	<b>Parallel Park (Conventional)</b> Pullups 0 1 2 3 4 5 Encroachments 0 1 2 3 4 5 Inside 0 1 Rear (18") 0 1
<b>Alley Dock</b> Pullups 0 1 2 3 4 5 Encroachments 0 1 2 3 4 5 Rear Dock (2 ft.) 0 1	<b>Serpentine</b> Pullups 0 1 2 3 4 5 Encroachments 0 1 2 3 4 5	<b>Parallel Park (Sight Side)</b> Pullups 0 1 2 3 4 5 Encroachments 0 1 2 3 4 5 Inside 0 1 Rear (18") 0 1

Vehicle Inspection Score

Basic Control Skills Score

## APPENDIX B

### Performance Test Passing Scores

#### Pretrip Inspection Passing Score

Automatic Fail: failure to perform air brakes check during engine start procedure \_\_\_\_\_

#### Tractor-Trailer Passing Scores

##### With air brakes

3 axle tractor, 2 axle trailer	84	or more correctly inspected items
3 axle tractor, 1 axle trailer	76	
2 axle tractor, 2 axle trailer	76	
2 axle tractor, 1 axle trailer	66	

##### No air brakes

3 axle tractor, 2 axle trailer	75
3 axle tractor, 1 axle trailer	71
2 axle tractor, 2 axle trailer	71
2 axle tractor, 1 axle trailer	66

#### Straight Truck/Bus Passing Scores

	Straight Truck	School Bus	Coach/Transit Bus
<b>With air brakes</b>			
3 axles	55	58	37
2 axles	46	48	33
<b>No air brakes</b>			
3 axles	52	55	36
2 axles	39	42	32

#### Basic Control Skills Passing Scores

Form 1	16 errors or less
Form 2	14 errors or less
Form 3	12 errors or less

Road Test Passing Score: 25 errors or less

Automatic fail

Moving traffic violation \_\_\_\_\_

Avoidable accident \_\_\_\_\_

## SECTION 5.0

# Applicant Processing

This section identifies applicant processing steps associated with the Alternate MOST. These procedures will have to be incorporated into those currently used by the state Department of Motor Vehicles so as to comply with state regulations that govern licensing of motorcycle operators.

### 5.1 APPLICANT INFORMATION

The purpose of the Alternate MOST is to assess applicant skill. The applicant should understand what he or she is supposed to do and how the test will be scored. There is nothing to be gained in concealing the nature of the exercises. Therefore, a general description of the test should be reviewed by the applicant. A suggested brief description of the exercises is included in Section 1.2. The following initial instructions could be used as a handout for the applicant to read:

- This is the motorcycle skill test. It consists of seven exercises which measure your ability to handle a motorcycle, including starting, accelerating, turning and braking. Most of the exercises involve speeds of about 15 mph.
- None of the exercises are difficult or dangerous for a skilled rider. If during the test, you feel that an exercise is beyond your skill level, you should tell the examiner. To get your license, however, you will have to complete all the exercises.
- When you are on the test course, the examiner will give you specific instructions for each exercise.

You will have to:

- Make quick stops straight ahead using both brakes.
- Accelerate as you normally would in traffic to a speed of about 15 mph.
- Make sure you stay within the painted lines or cones on all exercises. Points are taken off for going outside the lines or cones or putting your foot down during an exercise.

These instructions can be modified depending on the characteristics of the facility. For example, if a hazard exists, such as a fence along one course boundary, this should be pointed out.

Since the intent of the instructions is to explain to the

applicant what he or she is expected to do, the applicant may watch others taking the test.

### 5.2 TEST MOTORCYCLE

Depending on state regulations, an applicant may have to provide proof that the motorcycle has had a state inspection. To ensure safety if inspection is not required for licensing or if the state does not have an inspection law, motorcycles with serious mechanical problems or obvious oil leakage should not be allowed on the course.

### 5.3 TEST SEQUENCE

The seven exercises of the Alternate MOST are completed in four "runs" on the testing range. The test is administered as follows:

#### 5.3-1 SHARP TURN, NORMAL STOP

The applicant begins at the "T" near the lower right hand corner of the course (Point D). While leaving the "T", the applicant rides towards the sharp left turn. A sharp left turn is made through the path of cones. Once through the sharp turn, the applicant proceeds toward the stop box making a smooth, non-skidding stop with the front tire completely inside the stop box. Proper examiner positioning is shown in Illustration A.

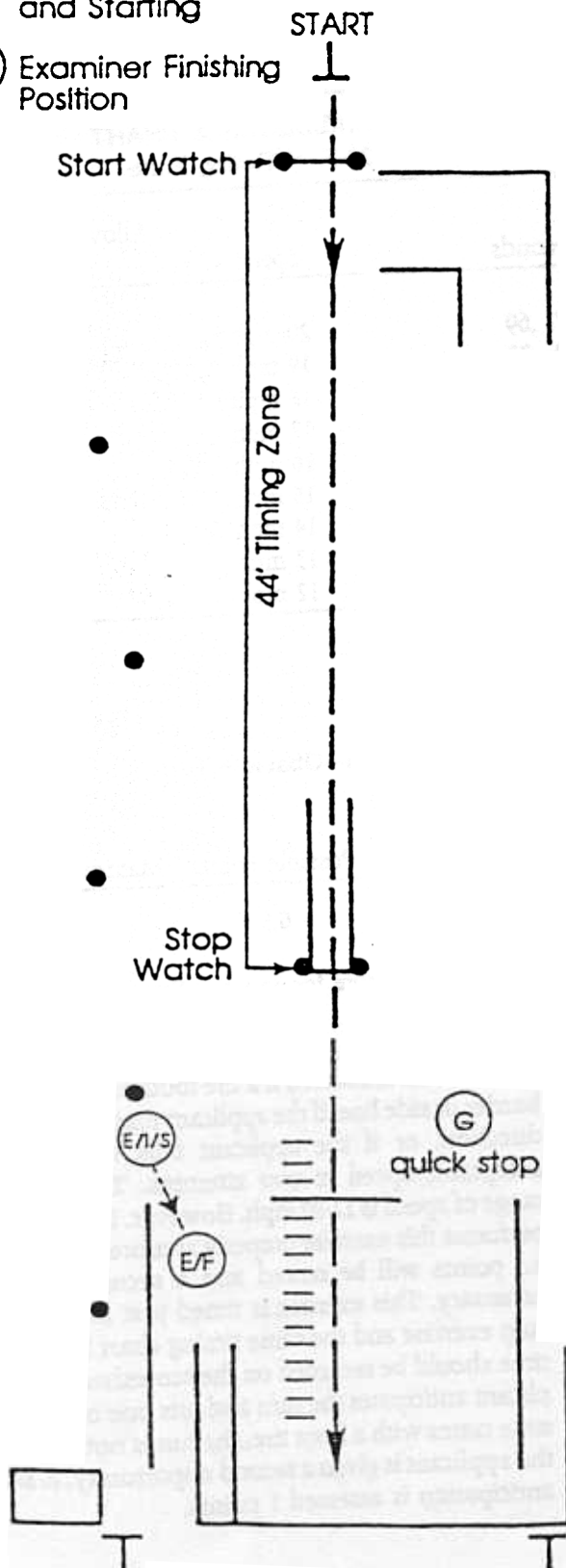
#### 5.3-2 CONE WEAVE, U-TURN

The applicant begins at the "T" near the stop box. The applicant rides the cone weave starting to the left of the first cone and then weaving alternately between the other four cones. After completing the cone weave the rider makes a right turn (not scored) and rides down the right edge of the course toward the U-turn box, where a right U-turn is performed.

Proper examiner positioning is shown in Illustration B.

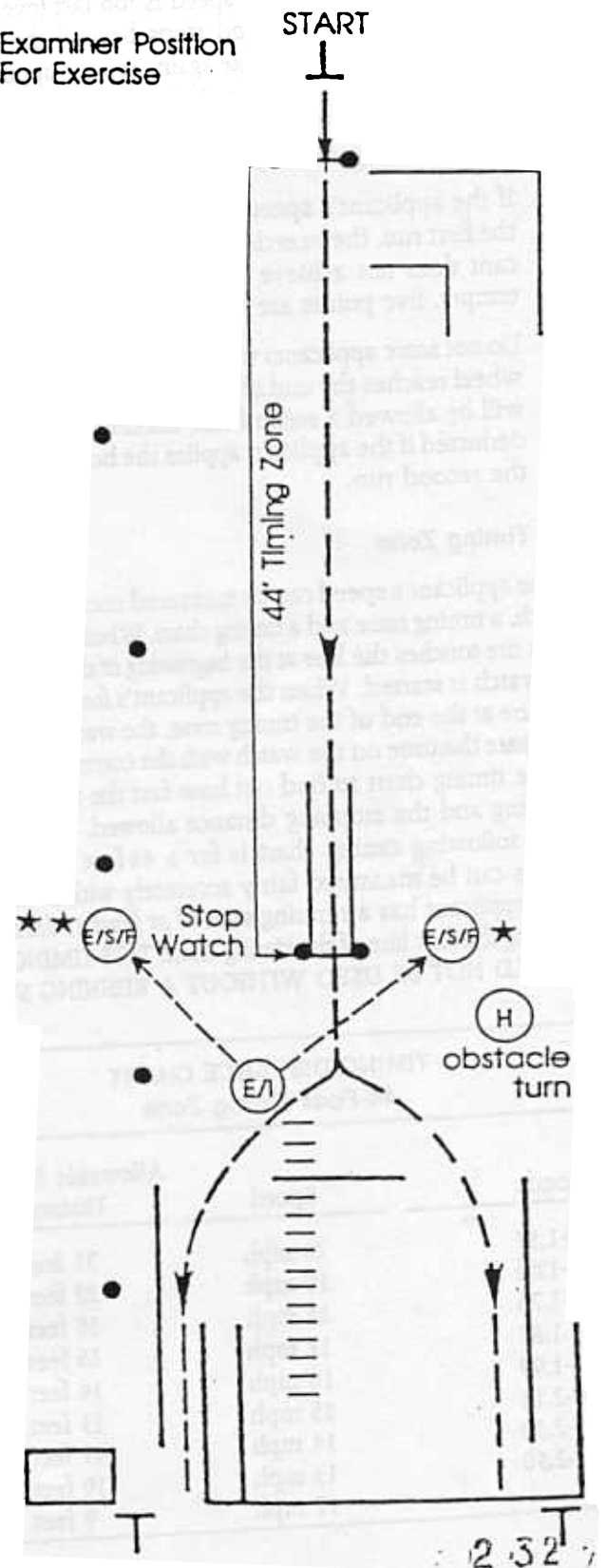
## ILLUSTRATION C

- (G) Quick Stop
- (E/I/S) Examiner Position For Instructions and Starting
- (E/F) Examiner Finishing Position



## ILLUSTRATION D

- (H) Obstacle Turn
- (E/I) Examiner Position For Instructions
- (E/S/F) Examiner Position For Exercise



★ — If applicant instructed to swerve to the left

or equal to the standard, no penalty points are scored. If the actual distance exceeds the standard, score one point for each foot beyond the standard up to a maximum of five points.

The acceptable range of speed for this exercise is 12-20 mph. If the applicant's speed is too fast (over 20 mph) on the first attempt and stops beyond the allowable distance, run the exercise again. Tell the applicant to go slower for the second run. If the applicant's speed is too fast but stops within the allowable distance (23 feet), the run will count and no points are scored.

If the applicant's speed is too slow (under 12 mph) on the first run, the exercise must be repeated. If the applicant does not achieve an acceptable speed in two attempts, five points are scored.

Do not score applicants who start braking before the front wheel reaches the end of the timing zone. The applicant will be allowed a second run. Maximum points will be deducted if the applicant applies the brakes too soon on the second run.

#### Timing Zone

The applicant's speed can be measured using a digital stopwatch, a timing zone and a timing chart. When the applicant's front tire touches the line at the beginning of the timing zone, the watch is started. When the applicant's front tire touches the line at the end of the timing zone, the watch is stopped. Compare the time on the watch with the corresponding time on the timing chart to find out how fast the applicant was traveling and the stopping distance allowed.

The following timing chart is for a 44-foot timing zone. Speeds can be measured fairly accurately within this zone if the applicant has a running start of at least 15 feet before reaching the first line of the timing chart. **THIS TIMING ZONE SHOULD NOT BE USED WITHOUT A RUNNING START.**

**TIMING/DISTANCE CHART  
44-Foot Timing Zone**

Seconds	Speed	Allowable Stopping Distance
1.50-1.57	20 mph	23 feet
1.58-1.66	19 mph	20 feet
1.67-1.76	18 mph	18 feet
1.77-1.87	17 mph	16 feet
1.88-1.99	16 mph	14 feet
2.00-2.14	15 mph	13 feet
2.15-2.30	14 mph	11 feet
3.1-2.50	13 mph	10 feet
4.51	12 mph	9 feet

If there is not enough room for a running start to a 44-foot timing zone, a 20-foot timing zone should be used. The starting "T" should be placed at the end of the testing range (line BC) so the applicant will have a running start of about 24 feet.

**TIMING/DISTANCE CHART  
20-Foot Timing Zone**

Seconds	Speed	Allowable Stopping Distance
.67- .69	20 mph	23 feet
.70- .73	19 mph	20 feet
.74- .77	18 mph	18 feet
.78- .82	17 mph	16 feet
.83- .87	16 mph	14 feet
.88- .94	15 mph	13 feet
.95-1.01	14 mph	11 feet
1.02-1.09	13 mph	10 feet
1.10-1.18	12 mph	9 feet

#### 5.4-7 Exercise Seven—Obstacle Turn

Scoring Check	Possible Points	Maximum Points
---------------	-----------------	----------------

A. Path	0.5	5
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The maximum score for Exercise Seven is five points.

#### Standard

**A. Path**—Points are scored if a tire touches or crosses the barrier or side line, if the applicant turns in the wrong direction, or if the applicant fails to achieve an acceptable speed in two attempts. The acceptable range of speed is 12-20 mph. However, if the applicant performs this exercise properly at more than 20 mph, no points will be scored and a second try is not necessary. This exercise is timed just like the quick stop exercise and the same timing chart is used. The time should be recorded on the scoresheet. If the applicant anticipates the turn and hits one of the timing zone cones with a front tire, the run is not scored and the applicant is given a second opportunity. A second anticipation is assessed 5 points.

## 5.5 SCORESHEET

One scoresheet is used for each applicant. When using the scoresheet, the examiner circles the appropriate number of points to be scored for each error made by the applicant. Points lost on each exercise are added and recorded under "Exercise Points." The total score is obtained by adding all the exercise points.

At each segment of the test where scoring is done, the examiner should quickly look at how many points the applicant has accumulated. Once the applicant has accumulated enough points to fail, the test should be ended.

## 5.6 TERMINATION OF TEST

Under certain conditions, the test may be terminated prior to completion. The examiner is required to terminate the test and fail the applicant under any of the following conditions:

- *Point accumulation constitutes failure*—Each skill test exercise is increasingly more difficult and critical to safe operation than the previous exercise. Performing exercises after an applicant has failed the test constitutes a hazardous condition for the unskilled operator.
- *Falls or drops the motorcycle*—Falling with or dropping the motorcycle is a clear indication of inability to operate a motorcycle safely. The test should be terminated.
- *Disregard for instructions*—Disregard for instructions can cause danger for the applicant, examiner and others near the test area. The test should be terminated for any applicant who intentionally disregards instructions.
- *Commits an unsafe act*—An unsafe act could result from an applicant's inability to perform exercise requirements (loses control—front wheel rises off pavement) or from an applicant's attempt to demonstrate skills that exceed the skill level called for in the exercise (high speed operation).
- *Fails to understand instructions*—An applicant may fail to understand instructions on a given exercise. Failure to comply with exercise instruction after two attempts is an automatic failure.
- *Excessive test time*—If, in the examiner's judgment, testing time has exceeded a reasonable limit, the test should be terminated. Time may be excessive owing to (1) applicant stalling the cycle, (2) examiner needing to continually repeat instructions, or (3) applicant misunderstanding instructions on various exercises.

## Section 5.7 APPLICANT BRIEFING

Applicants who fail the test should be told why they failed. It is recommended that the applicant be given a copy of the scoresheet. The examiner should explain briefly where points were lost. The applicant should be told what is needed to pass the test. If rider education courses are available locally, the failing applicant should be encouraged to enroll. Remember the skill level required to pass this test represents minimum novice level skills. Anyone who fails, needs basic riding instruction.

## Section 5.8 APPLICANT INSTRUCTIONS

### 5.8-1 Stalls

(Stand on the rider's left to give these instructions.)

- Place your motorcycle on the starting "T".
- Throughout the entire test, you will lose points if you stall your engine while attempting any exercise. Do you understand?

### 5.8-2 Sharp Turn, Stop Box

- Accelerate straight ahead (point).
- Then make a sharp turn through the cones without touching the cones or boundaries and without putting your foot down.
- After the turn, head back toward this end of the course, making a smooth, nonskidding stop with your front tire completely inside that white box (point).
- Do you have any questions? Wait for my signal to begin.

(Once the rider stops, tell the rider to reposition for the next exercises, then mark the score sheet. Check total point accumulation.)

The information contained in this publication is offered for the benefit of those who have an interest in riding motorcycles. The information has been compiled from publications, interviews and observations of individuals and organizations familiar with the use of motorcycles and training. Because there are many differences in product design, riding styles, Federal, State and local laws, there may be organizations and individuals who hold differing opinions. Consult your local regulatory agencies for information concerning the operation of motorcycles in your area. Although the Motorcycle Safety Foundation will continue to research, field test and publish responsible viewpoints on the subject, it disclaims any liability for the views expressed herein.

The Motorcycle Safety Foundation's purpose is improving the safety of motorcyclists on the nation's streets and highways. In an attempt to reduce motorcycle accidents and injuries, the Foundation has programs in rider education, licensing improvement, public information and research. These programs are designed for both motorcyclists and motorists. For the beginning or experienced rider training course nearest you, call the national toll-free telephone number (800) 447-4700. A national nonprofit organization, MSF is sponsored by five leading motorcycle manufacturers: Honda, Yamaha, Kawasaki, Suzuki and BMW.

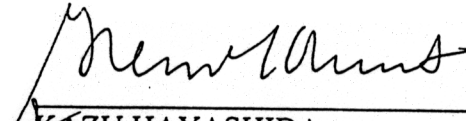
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DEPARTMENT OF TRANSPORTATION

Amendments to and compilation of Chapter 19-122, Hawaii Administrative Rules, on the Summary Page, dated November 20, 2000, were adopted on November 20, 2000, following public hearings held on October 25 and 26, 2000, after public notice was given in the statewide Hawaii State and County Public Notices on September 25, 2000.

These amendments to and compilation of Chapter 19-122, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

  
KAZU HAYASHIDA  
Director of Transportation

APPROVED:

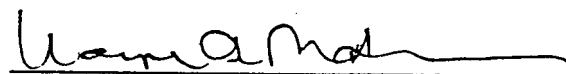
  
BENJAMIN J. CAYETANO  
Governor  
State of Hawaii

Date: 11/21/2000

NOV 22 2000

Filed

APPROVED AS TO FORM:

  
Deputy Attorney General

LIEUTENANT GOVERNOR'S  
OFFICE

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